

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

<p>IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION</p> <p>THIS DOCUMENT RELATES TO THE FOLLOWING CASES:</p> <p>ETHICON WAVE 7 REMAINING CASE:</p> <p><i>Sutphin v. Ethicon, Inc., et al.</i>, Civil Action No. 2:14-cv-01379</p>	<p>Master File No. 2:12-MD-02327 MDL No. 2327</p> <p>JOSEPH R. GOODWIN U.S. DISTRICT JUDGE</p>
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**PRETRIAL ORDER # 296
(SECOND AMENDED DOCKET CONTROL ORDER FOR WAVE 7 CASES
REGARDING TRIAL DEADLINES)**

By Pretrial Order (“PTO”) 269 (First Amended Docket Control Order for Wave 7 Cases Regarding Trial Deadlines), I chose 150 cases involving West Virginia plaintiffs to be placed on a wave and worked up for trial. By PTO # 291 (First Amended Docket Control Order for Wave 7 Cases Regarding Trial Deadlines), I set additional deadlines. The parties have informed me that one case remains, *Sutphin v. Ethicon, Inc., et al.*, Civil Action No. 2:14-cv-01379. I find that the remaining deadlines for Wave 7 are amended as follows:

A. PRETRIAL AND SETTLEMENT CONFERENCES

1. *Pretrial and Final Settlement Conferences.* The court shall conduct pretrial conferences and final settlement conferences for all active Wave 7 cases on **August 1, 2018, beginning at 10:00 a.m.**
2. *Deposition Designations.* Any objections to counter-designations, and any counter-designations to an opposing party’s counter-designations shall be filed by **May 2, 2018.** Beginning

on **July 30, 2018** at **9:00 a.m.** in **Huntington, West Virginia**, Judge Cheryl A. Eifert will conduct a hearing on outstanding deposition designation issues in each case. She will continue from day to day until complete.

3. *Integrated Pretrial Order.* The parties shall file a proposed integrated pretrial order in each individual case still pending pursuant to Fed. R. Civ. P. 16 **seven days** prior to the pretrial conference. The proposed integrated pretrial order, signed by all counsel and unrepresented parties, shall set forth the matters listed in Local Civil Rule 16.7(b).

4. *Jury Instructions, Special Interrogatories, and Verdict Form.* In each individual case still pending, the parties shall file proposed jury instructions in charge form on substantive theories of recovery or defense, on damages and on evidentiary matters peculiar to the case, and special interrogatories, if any be appropriate to the case, along with a proposed verdict form on **May 1, 2018**. The court requests that the parties email the proposed jury instructions to the court's law clerk in Word format.

5. *Trial.* Trial shall commence on **August 14, 2018** at **8:30 a.m.** at the United States District Court for the Southern District of West Virginia, Room 7800.

6. *Designation of the Record.* By **July 9, 2018**, the parties shall file a joint designation of any non-PTO filings from 2:12-md-2327. Designations must include all general causation *Daubert* motions, responses and replies for any expert identified by the parties in the case. Upon filing, the Clerk is **DIRECTED** to file these documents in this case.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 **and** in *Sutphin v. Ethicon, Inc., et al.*, Civil Action No. 2:14-cv-01379. In cases subsequently filed in this district after 2:18-cv-00800, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently

removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: May 1, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE